

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AIR VENT, INC.,	:	Case No. 1:09-CV-2360
Plaintiff,	:	
	:	JUDGE KATHLEEN O'MALLEY
v.	:	
MARIO KASEDA, et al.,	:	<u>MEMORANDUM & ORDER</u>
Defendants.	:	

This matter arises on the Court's initiative. It has come to the Court's attention that the interests of justice may support a transfer of this action under 18 U.S.C. § 1404(a). *See Carver v. Knox County*, 887 F.2d 1287, 1291 (6th Cir. 1989) ("28 U.S.C. § 1404 (a) does not require a motion; a district court may transfer a case sua sponte."). In particular, it appears from the docket that a closely related action has been pending for some time in the United States District Court for the Western District of Pennsylvania.

Of course, "[a] court considering sua sponte transfer of venue should inform the parties of its considerations and should give them an opportunity to be heard on the matter." *Krawec v. Allegany Co-op Ins. Co.*, Case No. 1:08-CV-2124, 2009 U.S. Dist. LEXIS 57792, at *13 (N.D. Ohio July 7, 2009) (quotation marks and citation omitted). Accordingly, parties wishing to submit briefing to the Court on the appropriateness of a transfer may do so prior to February 17, 2010.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: February 4, 2010